

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

CHILDREN’S HEALTH DEFENSE, )  
ROBERT F. KENNEDY, JR., TRIALSITE, )  
INC., CREATIVE DESTRUCTION )  
MEDIA, LLC, ERIN ELIZABETH FINN, )  
JIM HOFT, DR. BEN TAPPER, BEN )  
SWANN, DR. JOSEPH MERCOLA, TY )  
BOLLINGER & CHARLENE )  
BOLLINGER, )

*Plaintiffs,*

v.

THE WASHINGTON POST CO., THE )  
BRITISH BROADCASTING CORP., THE )  
ASSOCIATED PRESS, & REUTERS, )

*Defendants.*

Civil Action No. 2:23-cv-00004-Z

**CONSENT MOTION TO EXTEND TIME AND FOR JOINT BRIEFING SCHEDULE**

Defendant WP Company LLC d/b/a The Washington Post hereby respectfully requests that the Court extend the deadline for all defendants to answer or otherwise respond to the Complaint, and to enter a joint briefing schedule in connection with anticipated responsive motions. This is WP Company LLC’s first request for an extension. WP Company LLC conferred with counsel for Plaintiffs and all defendants and all parties consent to this motion.

As grounds for this motion, the WP Company LLC states as follows:

1. Plaintiffs filed this action on January 10, 2023, alleging antitrust claims under Section 1 of the Sherman Act based on an alleged complex group boycott scheme involving dozens of alleged co-conspirators. *See* Complaint (ECF No. 1).

2. The Complaint named nearly a dozen Plaintiffs and four Defendants. *Id.* ¶¶ 110–113.

3. As is explained herein, all defendants have been served or have agreed to waive service of the Complaint.

4. On January 30, 2023, Plaintiffs served The AP with the Complaint. See ECF No. 16. Plaintiffs served Reuters on February 3, 2023. *Id.*

5. On February 8, 2023, counsel for WP Company LLC notified Plaintiffs' counsel that the entity formerly known as The Washington Post Co. was renamed as Graham Holdings Company effective November 29, 2013, and that the entity Plaintiffs presumably intended to name was WP Company LLC, which operates The Washington Post newspaper.

6. Plaintiffs agree that the Complaint contained a misnomer and that WP Company LLC is the proper defendant. Plaintiffs' counsel has informed counsel for WP Company LLC that Plaintiffs intend to promptly file an amended complaint which will correct this misnomer, substituting WP Company LLC for The Washington Post Co. The parties agree that this will be without prejudice to Plaintiffs' right to amend as of course pursuant to Rule 15(a)(1).

7. Following that agreement, on February 17, 2023, Plaintiffs requested and WP Company LLC agreed to waive service of the Complaint pursuant to Fed. R. Civ. P. 4(d) and to promptly execute and return the appropriate waiver form when received from Plaintiffs.

8. On February 16, 2023, Plaintiffs requested and the British Broadcasting Corp. ("BBC") agreed to waive service of the Complaint pursuant to Fed. R. Civ. P. 4(d) and to promptly execute and return the appropriate waiver form when received from Plaintiffs.

9. Good cause exists to extend the deadline to answer or otherwise respond to Plaintiffs' Complaint. *See* Fed. R. Civ. P. 6(b)(1)(A).

10. WP Company LLC intends to file responsive motions and believes other Defendants are also likely to file responsive motions. These motions will likely present substantially similar or overlapping arguments about the sufficiency of Plaintiffs' antitrust claims, and may also address contesting jurisdiction and/or venue. It is in the best interest of efficiency and judicial economy if all Defendants file their responsive motions on an agreed joint

briefing schedule to facilitate joint briefing, and so that Plaintiffs may respond to and the Court may consider all of Defendants' motions simultaneously.

11. Moreover, counsel for Defendants desire additional time to prepare responsive motions to Plaintiffs' 96-page complaint involving dozens of parties and alleged co-conspirators.

12. Because of the complexity of the case, and the multiple parties involved, all parties desire to have additional time to prepare subsequent briefs in connection with the anticipated motions.

13. The parties have cooperatively negotiated the following proposed schedule which will satisfy their mutual desire to have a joint briefing schedule:

- The deadline for all Defendants to answer or otherwise respond to the Complaint or First Amended Complaint (correcting the misnomer as to The Washington Post Co.) should be extended to: Tuesday, April 18, 2023.
- Plaintiffs should then have 60 days to oppose the motions, or to amend the Complaint or First Amended Complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1)(B). The deadline for them to do so should be extended to: Monday, June 19, 2023.
- If Plaintiffs oppose the responsive motions:
  - i. Defendants should then have 23 days to file replies in support of their motions. The deadline for them to do so should be extended to: Wednesday, July 12, 2023.
- If Plaintiffs instead file a Second Amended Complaint:
  - i. Defendants should have 30 days to file responsive motions. The deadline for them to do so should be: Wednesday, July 19, 2023.
  - ii. Plaintiffs should then have 30 days to oppose the motions. The deadline for them to do so should be extended to: Friday, August 18, 2023.

iii. Defendants should then have 23 days to file replies in support of their motions. The deadline for them to do so should be extended to: Monday, September 11, 2023.

14. No party will be prejudiced by the requested extensions. Indeed, all parties consent to this motion and agree allowance of this motion will also be in the interests of justice and judicial economy.

15. Although Federal Rule 4(d) provides that, following its waiver of service, the BBC is permitted “90 days” to answer or otherwise respond to the Complaint, counsel for the BBC has agreed to accept a shorter time to respond in the interest of obtaining a joint briefing schedule.

WHEREFORE, WP Company LLC respectfully requests that this Court grant this consent motion.

Dated: February 17, 2023

Respectfully submitted,

/s/ Thomas C. Riney

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**CERTIFICATE OF CONFERENCE**

The undersigned counsel hereby certifies that on or before the 17th day of February 2023, counsel for Defendant WP Company LLC conferred with all Parties regarding the above motion and all Parties stated they consent to the motion.

/s/ Nicholas G. Gamse

Nicholas G. Gamse

**CERTIFICATE OF SERVICE**

The undersigned Counsel hereby certifies that on the 17th day of February 2023, notice of the foregoing pleading was provided via the CM/ECF system to the counsel of record. In addition, notice was provided via email to the following counsel.

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